

COURT MINUTES OF JURY TRIAL

Andrew Aaron, *et al.*,

Plaintiffs,

v.

Case No. 20-CV-1660

Dominick Ratkowski and Joseph Roy,

Defendants.

Hon. Nancy Joseph, presiding.

Deputy Clerk: Ross Miller, Evan Romel

Date(s) of Trial: May 1, 2023-May 5, 2023

Court Reporter: Tom Malkiewicz, Susan Armbruster

Appearances: Plaintiff: Kimberly Motley, Milo Schwab, Kathryn Knowlton

Defendant: Jasmyne Baynard, Joseph Wirth

<u>Date</u>	<u>Time Called</u>	<u>A.M. Break</u>	<u>Lunch Break</u>	<u>P.M. Break</u>	<u>Time Finished</u>	<u>Court Reporter</u>
5/1/2023	8:42 AM	11:07 AM- 11:18 AM	12:58 PM- 1:59 PM	3:40 PM- 3:56 PM	5:16 PM	T.M
5/2/2023	8:47 AM	10:23 AM- 10:40AM	11:28 AM- 12:30 PM	2:01 PM- 2:18 PM	5:05 PM	S.A.
5/3/2023	8:39 AM	10:06 AM – 10:24 AM	12:01PM- 12:50PM	2:35 PM- 2:53PM	5:07 PM	S.A.
5/4/2023	8:38 AM	10:34 AM- 10:54 AM	12:30 PM- 1:38 PM	2:35 PM- 2:50 PM	5:03 PM	S.A.
5/5/2023	8:42 AM	n/a	n/a	n/a	4:16 PM	S.A.

Date

MONDAY, May 1, 2023

8:42 AM Court in session. Case called. Appearances. Discussions held with counsel.

8:53 AM Court in recess.

8:59 AM Court back in session.

9:04 AM Court in recess.

9:16 AM Jury Panel enters. Case called. Appearances.

9:18 AM Prospective jurors sworn. *Voir Dire* proceeded.

11:07 AM Court in recess.

11:18 AM Court in session. Jury Panel in court.

11:27 AM Jury of eight selected: Juror numbers 3, 4, 8, 11, 12, 13, 15, 17.

11:30 AM Jurors sworn.

11:31 AM Court gives jury instructions.

11:46 AM Plaintiffs opening statement.

12:12 PM Defendants opening statements.

12:45 PM Jury out. Discussion with counsel.

12:58 PM Court in recess.
1:59 PM Court in session. Discussions with counsel.
2:08 PM Jury in.
2:10 PM Plaintiffs call **Madeleine Schweitzer** to the witness stand. Direct.
2:20 PM Cross examination of witness.
2:27 PM Redirect.
2:29 PM Witness excused.
2:30 PM Plaintiffs call **Tiffany Stark** to the witness stand. Direct.
2:34 PM Cross examination of witness.
2:38 PM Redirect.
2:39 PM Witness excused.
2:40 PM Plaintiffs call **Lauryn Cross** to the witness stand. Direct.
2:44 PM Cross examination of witness.
2:53 PM Redirect.
2:58 PM Witness excused.
3:02 PM Plaintiffs call **Sonora Larson** to the witness stand. Direct.
3:09 PM Cross examination of witness.
3:14 PM Redirect.
3:16 PM Re-cross examination.
3:16 PM Re-redirect.
3:17 PM Jury out. Discussion with counsel.
3:40 PM Court in recess.
3:56 PM Court in session. Jury in.
3:58 PM Plaintiffs call **Luke Vetter** to the witness stand. Direct.
4:54 PM End of direct.
4:55 PM Jury out. Discussion with parties.
5:16 PM Court in recess.

TUESDAY May 2, 2023

8:47 AM Court in session. Jury in the box. Case called. Appearances.
8:48 AM Plaintiffs witness **Luke Vetter** back on the witness stand. Cross examination.
9:56 AM Redirect.
10:17 AM Jury out.
10:23 AM Court in recess.
10:40 AM Court in session. Discussion with counsel.
10:42 AM Jury in. Redirect continued.
10:51 AM Re-cross examination.
10:55 AM Witness excused.
10:55 AM Plaintiffs call **Dominick Ratkowski** to the witness stand. Direct.
11:26 AM Jury out. Discussion with parties.
11:28 AM Court in recess.
12:31 PM Court back in session.
12:42 PM Jury in.
12:43 PM Direct examination of witness continues.
1:59 PM Jury out.
2:01 PM Court releases Plaintiff Barry Weber from Defendants' subpoena.
2:01 PM Court in recess.
2:18 PM Court back in session.
2:19 PM Jury in.
2:20 PM Direct examination of witness continues.

3:10 PM Witness steps down.
3:12 PM Plaintiffs call **Katie Schuh** to the witness stand. Direct.
3:32 PM Cross-examination of witness.
3:36 PM Re-direct.
3:39 PM Witness excused.
3:41 PM Plaintiffs call **John Larry** to the witness stand. Direct.
4:01 PM Cross-examination of the witness.
4:06 PM Witness excused.
4:07 PM Plaintiffs call **Mary Kachelski** to the witness stand. Direct.
4:17 PM Cross-examination of witness.
4:19 PM Re-direct.
4:19 PM Witness excused.
4:20 PM Jury out. Discussions held with counsel.
5:05 PM Court is in recess.

WEDNESDAY, May 3, 2023

8:31 AM Court back in session. Discussions held with counsel.
8:39 AM Jury in. Case called. Appearances made.
8:41 AM Plaintiffs call **Joseph Roy** to the witness stand. Direct.
10:07 AM Court takes the morning break.
10:24 AM Court back in session. Jury in.
10:25 AM Direct examination of witness.
11:45 AM Jury out.
11:46 AM Discussions held with counsel.
12:01 PM Court is in recess.
12:51 PM Court in session. Discussions held with counsel.
12:58 PM Witness excused.
1:03 PM Jury in.
1:05 PM Plaintiffs call **Peter Sparks** to the witness stand. Direct.
1:35 PM Cross-examination of the witness.
1:41 PM Witness is excused.
1:49 PM Plaintiffs call **Molly Nilssen** to the witness stand. Direct.
1:59 PM Cross-examination of the witness.
2:04 PM Redirect.
2:04 PM Witness excused.
2:06 PM Plaintiff call **James Guckenberg** to the witness stand. Direct.
2:22 PM Cross-examination of the witness.
2:23 PM Witness excused.
2:24 PM Plaintiffs call **Molly Collins** to the witness stand. Direct.
2:30 PM Witness excused.
2:31 PM Jury out.
2:32 PM Discussions held with counsel.
2:35 PM Court in recess.
2:53 PM Court back in session.
2:54 PM Jury in.
2:55 PM Plaintiffs call **Diane Nelson** to the witness stand. Direct.
3:01 PM Cross-examination of the witness.
3:08 PM Redirect.
3:09 PM Witness excused.
3:11 PM Plaintiffs call **Sean Kafer** to the witness stand. Direct.

3:21 PM Cross-examination of the witness.
3:24 PM Witness excused.
3:25 PM Plaintiffs call **Jill Ferguson** to the witness stand. Direct.
3:31 PM Cross-examination of the witness.
3:36 PM Witness excused.
3:37 PM Plaintiffs call **Tracy Cole** to the witness stand. Direct.
4:00 PM Cross-examination of the witness.
4:01 PM Redirect.
4:03 PM Witness excused.
4:03 PM The Plaintiffs rest their case in chief.
4:04 PM Jury out.
4:12 PM Jury in.
4:15 PM Defense re-calls **Dominick Ratkowski** to the witness stand. Direct.
4:56 PM Jury out.
4:57 PM Discussions held with counsel.
5:03 PM Juror #12 in. Discussion with Juror #12.
5:04 PM Juror #12 out. Discussion with parties.
5:07 PM Court is in recess.

THURSDAY May 4, 2023

8:35 AM Court back in session. Discussions held with counsel.
8:38 AM Jury in the box. Case called. Appearances made.
8:39 AM Direct examination of defense witness **Dominick Ratkowski** continues.
9:38 AM Cross-examination of the witness.
10:34 AM Jury out. Court in recess.
10:54 AM Court back in session.
10:59 AM Jury in.
11:00 AM Cross-examination of the witness.
12:30 PM Jury out. Court in recess.
1:38 PM Court back in session. Jury in.
1:39 PM Redirect of witness.
1:47 PM Re-cross-examination of the witness.
1:55 PM Re-Redirect.
1:55 PM Witness excused.
1:57 PM Defense calls **Shane Wrucke** to the witness stand. Direct.
2:19 PM Cross-examination of the witness.
2:29 PM Redirect.
2:31 PM Witness excused.
2:32 PM Defense rests.
2:33 PM Plaintiff rests.
2:34 PM Jury out. Court in recess.
2:50 PM Court back in session. Discussions held with counsel.
3:01 PM Jury in.
3:03 PM Jury out.
3:05 PM Court breaks.
3:21 PM Court back in session. Discussions held with counsel.
5:03 PM Court is in recess.

FRIDAY May 5, 2023

8:42 AM Court back in session. Case called. Appearances made.
8:43 AM Discussions held with counsel.
8:52 AM Jury in the box. Case called.
8:54 AM Court gives jury instructions.
9:08 AM Plaintiffs closing arguments.
9:38 AM Defense closing arguments.
10:17 AM Plaintiff rebuttal.
10:44 AM Court gives final jury instructions.
11:02 AM CSO sworn.
11:03 AM Jury out to deliberate.
11:04 AM Discussions held with counsel.
11:08 AM Court in recess.
11:49 AM Court in session. Discussion with counsel about communication from jury.
12:05 PM Court in recess.
12:40 PM Court in session. Discussion with counsel about communication from jury.
1:00 PM Court in recess.
1:04 PM Court in session. Discussion with counsel about communication from jury.
1:08 PM Court in recess.
2:41 PM Court in session. Discussion with counsel about communication from jury.
2:42 PM Court in recess.
2:52 PM Court in session. Discussion with counsel about communication from jury.
2:56 PM Court in recess.
3:00 PM Court in session. Discussion with counsel about communication from jury.
3:05 PM Court in recess.
3:32 PM Court in session. Discussion with counsel about communication from jury.
3:37 PM Court in recess.
4:11 PM Court in session. Jury in.
4:12 PM Verdict read on the record. Court polled the Jury.
4:15 PM Jury excused from trial.
4:16 PM Court in recess.